

REMARKS

1. Claims 13, 17, 22, 27, 31 and 36 are rejected as being anticipated by Yamaguchi.

In order to make a prima facie case of anticipation, the reference must teach all claim limitations. A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. Applicants respectfully submit that Yamaguchi fails to teach or suggest subjecting the changed RIP Data to a halftone process to generate halftone rendered gray level data.

The Examiner states, "the altered RIP data must inherently be halftone processed". This argument, however, is unsupported by Yamaguchi. Applicants therefore respectfully request the Examiner to specifically point out where in Yamaguchi halftone processes or a halftone process which generates halftone rendered gray level data is taught or suggested. Absent such support, Applicants respectfully request the Examiner to submit an affidavit in support of the position that the changed RIP Data must inherently be subjected to a halftone process to generate halftone rendered gray level data.

The reference cited by the Examiner fails to teach all the limitations of any of the independent claims. Accordingly, it also fails to teach all of the limitations of any of the dependent claims. Therefore, the Examiner has failed to make a prima facie case of anticipation, and all pending claims are allowable.

2. Claims 14, 16, 18-19, 21, 23-24, 26, 28, 30, 32-33, 35 and 37-38 are rejected as being obvious over Yamaguchi in view of Hayashi.

To make a prima facie case of obviousness, the Examiner must show (i) some suggestion or motivation to combine the references, (ii) a reasonable expectation of success, and (iii) that the prior art references teach or suggest all the claim limitations.

A prima facie case of obviousness is established only by showing some objective teaching in either the prior art, or knowledge generally available to one of ordinary skill in the art, that would lead "that individual "to combine the relevant teachings of the references. Accordingly, obviousness is not established by locating references which describe various aspects of a patent applicant's invention without also providing evidence of the motivating force which would impel one skilled in the art to do what the applicant's have done.

The only rationale provided by the Examiner for combining the references consists of the statement in Hayashi that image quality correction circuit 46 "performs an outline emphasis process for enhancing the clarity of the image or a softening process for reducing the stiffness of the image". This does not serve as motivation to combine the references.

There is no suggestion in Yamaguchi and Hayashi to teach applicant's method except by a hindsight process. It is impermissible to first ascertain factually what applicant did and then view the prior art in such a manner as to select from the random facts of that art only those portions which are taken out of their elements and reconstructed to meet applicant's method. It is not realistic when deciding obviousness to pick and choose from any one reference only so much as will support a given proposition and then add to another reference when there is no suggestion to do so. Not only must the claimed combination be considered as a whole under the express mandate of 35 USC 103, but the prior art references must also be considered in their entireties to determine whether they suggest the desirability of making the combination. Applicant's method is novel as a whole and applicant's method clearly defines over the reference when considering the prior art disclosures as a whole. Hindsight and Applicant's teachings must therefore now be used to reconstruct a novel method for making the present structure.

Also, in order to establish a prima facie case of obviousness, the prior art references must teach or suggest all the claim limitations. While applicant's take issue with the proposed combination, even if a person of ordinary skill in the art would find it obvious to combine the teachings of Yamaguchi and

Hayashi as suggested, the claimed features still would not be met. Specifically, it is respectfully submitted that neither Yamaguchi or Hayashi either singularly or in combination, disclose or suggest subjecting the changed RIP Data to a halftone process to generate halftone rendered gray level data or subjecting the changed RIP Data to first and second halftone processes and then blend the respective outputs from the first and second halftone processes.

As discussed earlier, Yamaguchi fails to teach a halftone process to generate halftone rendered gray level data.

The Examiner states that “Hayashi discloses subjecting image data to a first halftone process (figure 2(46) and column 4, lines 63-67 of Hayashi) and a second halftone process (figure 2(47) and column 4, line 67 to column 5, line 3 of Hayashi), and then blending the respective outputs from said first and second halftone processes (figure 2(48) and column 5, lines 3-6 of Hayashi). The image data is saturated adjusted by the color correction circuit (figure 2(43) and column 5, lines 18-20 of Hayashi). Said image data is then sent through the two halftone processing devices. Said devices are the image quality correction circuit (figure 2(46) and column 4, lines 63-67 of Hayashi) and the gradation adjustment circuit (figure 2(47) and column 4, line 67 to column 5, line 3 of Hayashi).”

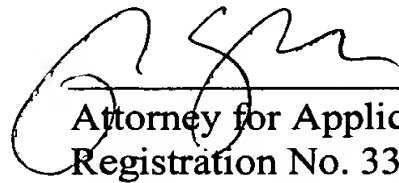
Applicants respectfully submit that none of the stated processes in Hayashi are halftone processes to generate halftone rendered gray level data.

The Examiner then states that “Since the CMYK halftone data is processed by passing said CMYK halftone data successively through said image quality correction circuit and said gradation adjustment circuit, said CMYK halftone data is effectively blended since factors from both operations have adjusted said CMYK halftone data before being sent to the output processor”.

Applicants cannot find any mention of blending in Hayashi and respectfully submit that Hayashi does not teach blending. Applicant’s therefore respectfully request the Examiner to submit an affidavit in support of the position that these references teach or suggest first and second halftone processes and then blending the respective outputs from the first and second halftone processes and what “effective blending” is.

The reference cited by the Examiner therefore fail to teach all the limitations of any of the independent claims. Accordingly, they also fail to teach all of the limitations of any of the dependent claims. Therefore, the Examiner has failed to make a prima facie case of anticipation or obviousness, and submit that all pending claims are allowable.

Respectfully submitted,



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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.